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UNITED STATES DEPARTMENT OF AGRICULTURE
Food Distribution Administration
Washington, D. C.

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U. S. Department of Agriculture

Announcement FDA-1
Purchase of Fresh Shell Eggs
(Wholesale and Consumer Grades)

The Food Distribution Administration, hereinafter referred to as the FDA, announces that it will receive and consider offers for the sale of fresh shell eggs produced in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HOW TO SUBMIT AN OFFER

Offers may be submitted by letter or telegram to the appropriate Regional Administrator's office of the FDA and must state the following:

1. That the offer is made subject to the terms of Announcement FDA-1.
2. Number of cases of each Tentative U. S. Wholesale Grade or Tentative U. S. Consumer Grade offered at each point of delivery, and number of l.c.l. or full carlots that such offer comprises at each delivery point.
3. Whether the eggs offered are packed in new or good used standard cases and packing material.

for each grade offered in cents per dozen f.o.b. cars or at delivery point (or points).

5. The delivery point for each lot.
6. Name of originating rail carrier at each point of delivery.

TERMS AND CONDITIONS

On submitting an offer of sale, the following terms and provisions of this announcement shall become a part of the offer to sell, and upon acceptance by the FDA the offer and acceptance shall constitute a valid and binding contract.

Par. Period of Purchase: Offers may be submitted so as to be received by the appropriate Regional Administrator of the FDA not later than 12:00 o'clock noon beginning January ____, 1943, and on each ____ and ____ thereafter until further notice, but not later than June 30, 1943. Offers received after 12:00 o'clock noon on these days will be held and considered as having been received on the next following regular day for the receipt of offers, and will be subject to acceptance accordingly unless the offer has been previously withdrawn.

Par. 2 Quantity: Offers on a l.c.l. basis may be made in quantities of 100 or more cases of 30 dozen each. Such quantities may be made up of more than one grade, provided the number of cases of each grade is specified. Acceptance will be based on the price of each grade and lot offered. On delivery, a minus tolerance of 5% in the number of cases will be allowed.

rs may be made in quantities of 600 cases of 30 dozen each. Carlots up of more than one grade, provided the number of cases of each grade ed. Acceptance will be based on price of each grade and lot offer.

Quality: The quality of eggs shall be stated in terms of Tentative U. S. Tentative U. S. Consumer Grades. The grade of eggs purchased shall Standards, Wholesale Grade, or better, or U. S. Grade B, Large or r Grade, or better.

Under the U.S. Wholesale grades, The FDA will accept, if tendered for delivery, eggs which are one grade lower than specified in the offer, but in no event lower than U.S. No. 4 Standards, subject to an adjustment in price which shall be lower than the contracted price for the grades as offered by the following respective amounts per dozen: if the offered grade is U.S. Wholesale Grade Specials #1, #2, #3, or #4, 1 cent; if U.S. Wholesale Grade Extras #1, #2, #3, or #4, 3/4 cent; if U.S. Wholesale Grade Standards #1, #2, or #3, 1/2 cent. U.S. #1 Extras may be substituted for U.S. #4 Specials at 1 cent adjustment, and U.S. #1 Standards for U.S. #4 Extras at adjustment of 3/4 cent per dozen. The net weight of any individual case of shell eggs shall not be less than 42 pounds. If the average net weight of all cases of shell eggs in any lot is less than 44 pounds, the price per dozen in such lots shall be reduced from that specified in the offer by 1/4 cent per dozen eggs for each 1/4 pound or fraction thereof, light weight.

Under the U.S. Consumer Grades, eggs tendered for delivery which do not meet the grade and weight requirements of the grade under which they are offered on the basis of an examination made by an authorized FDA grader will not be accepted as offered, but will be considered for the grade under which they meet fully the grade and weight requirement. For example, eggs offered as U.S. Consumer Grade A Large, which do not have the required minimum weight for that grade, will be considered for acceptance under U.S. Consumer Grade A Medium, or if the eggs offered as Grade A Large have the minimum weight required but fail to have the required quality, they will be considered under U.S. Consumer Grade B Large. Eggs shall be packed large end up. A tolerance of 5% of eggs packed small end up will be allowed.

Par. 4 Grading: Grading shall be performed at the point of delivery by the FDA, and shall be incumbent upon the vendor to arrange with the FDA Division of Inspection and Grading for grading services. All costs including grading fees and expense of graders, shall be paid by the vendor. If eggs are examined in cars on private siding, the cars shall be sealed in the presence of the grader. If the eggs are examined under any other circumstances, the FDA grader shall mark the FDA 1 on each case in the lot. Grading and weight certificates shall be ~~dated~~ ^{not} more than five business days prior, nor more than seven business days after acceptance of the offer; provided, however, that a vendor may deliver eggs covered by Grading Certificate dated more than seven business days after the date of acceptance of the offer, if he attaches to such certificate a letter from the supervising grader stating that such grading was applied for within three business days after the date of acceptance of the offer but could not be furnished within the prescribed seven business days.

Par. 5 Packaging and Marking: Eggs shall be packed in sound, new or used standard cases and packing materials. All cases must be marked in accordance with applicable regulations of the Federal Food, Drug, and Cosmetic Act, as amended. On one end of each case the following must be marked: (1) Standard Egg Case - 30 Dozen Shell Eggs. (2) The proper U.S. Wholesale or U.S. Consumer Grade. (3) The vendor's name and address. (4) The packer's name and plant address if different from the vendor's name and address.

A Sample legend with minimum letter sizes is indicated below:

STANDARD EGG CASE	(1/2 inch)
30 Dozen Shell Eggs	(1/4 inch)
U. S. STANDARD NO. 1	(1/2 inch)
Distributed by	(1/4 inch)
AMALGAMATED EGG PACKERS, INC.	(1/2 inch)
ACROPOLIS, GEORGIA	(1/2 inch)
Packed by	(1/4 inch)
POULTRYMEN ASSOCIATED	(1/2 inch)
ORLANDO, GEORGIA	(1/2 inch)

If such markings are not applied prior to the FDA grading, they must be applied in the presence of the FDA grader.

Par. 6 Notice and Delivery: The FDA will take delivery of the eggs within ten business days after actual receipt of notice that the eggs have been graded and are ready for delivery. Such notice accompanied by a copy of the grading certificate shall be given by the vendor to the FDA within two business days after the acceptance date if grading has been performed prior to offering, or within three business days after the date of grading if the grading has been performed subsequent to the acceptance date. The notice and copy of the grading certificate, which will be transmitted by United States mail, will be considered given in the specified time if mailed within such time. Vendors shall, at their expense, take whatever steps that may be necessary to fully protect the eggs after grading but prior to delivery to the FDA. Such protection shall include but shall not be limited to holding shell eggs in a refrigerated warehouse or iced car, or keeping car properly heated in cold weather. However, if the FDA fails to take delivery within the ten days prescribed above, such protection thereafter shall be at the expense of the FDA at the rate of \$0.05 per case per ten-day period or fraction thereof. The original and two copies of the grading and weight certificates, issued by an authorized FDA Grader shall accompany the public voucher covering each delivery.

Delivery shall be made at the delivery point (or points) specified in the offer f.o.b. railroad car, or at the option of the FDA f.o.b. trucks or warehouses.

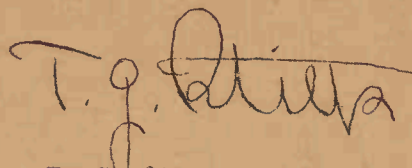
Par. 7 Acceptance: Offers received until 12:00 noon on each _____ and _____ will be subject to acceptance by the FDA in whole or in part not later than the following business day. Acceptance will be given by telegram filed at the appropriate Regional Administrator's office of the FDA not later than 12:00 midnight on the date of acceptance.

Par. 8 Payment: Payment will be made by the FDA as soon as practicable after a correct and complete claim is submitted, and payment will be contingent upon compliance with conditions set forth herein.

Par. 9 Price Ceiling Warranty: Offerer represents and warrants that the price or prices of the commodity to be furnished hereunder do not exceed any existing applicable maximum price or prices established by the Office of Price Administration. If such price or prices of the commodity shall at the time of delivery exceed any applicable maximum price or prices hereafter established by the OPA, the vendor shall be entitled only to the amount of such established maximum and shall refund to the Government all moneys received in payment for such commodity in excess of such established maximum.

Par. 10 Contract of Sale: This announcement together with the offer and acceptance shall constitute a contract of sale between the vendor and the FDA

Further details with respect to this program may be obtained by communicating with the office of the appropriate FDA Regional Administrator.


T. G. Stitts, Chief
Dairy and Poultry Branch